




STATE OF DELAWARE

PUBLIC SERVICE COMMISSION
861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904

April 15, 2019

MEMORANDUM

TO: The Chairman and Members of the Commission

FROM: Shona Marshall, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION OF DYNAMIS ENERGY, LLC DBA UNITED ENERGY SERVICES FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED MARCH 14, 2019; FILED APRIL 4, 2019) - PSC DOCKET No. 19-0148

Background

On March 14, 2019, Dynamis Energy, LLC DBA United Energy Services ("United" or the "Company") submitted an application (the "Application") with the Delaware Public Service Commission (the "Commission") for an Electric Supplier Certificate ("ESC") to broker electricity in the State of Delaware pursuant to § 1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §§ 1001 - 1020 (the "Act") and 26 *Del. Admin. C.* § 3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").¹

Application

The Company's original filing was submitted on March 14, 2019, but the submitted Application was deficient in meeting the minimum filing requirements ("MFR's"). In a letter dated March 20, 2019, Commission Staff ("Staff") requested the Company provide documentation related to its authority to do business in the state of Delaware, financial information, company website, financial information, retail experience, and marketing. The Company's response dated April 4, 2019 satisfied the requirements of the MFR's.

Review and Analysis

Authority to do Business in Delaware

United is a limited liability company formed in the state of Texas in 2011. The Company provided proof issued by the Delaware Secretary of State that it is legally authorized and qualified to do business in the State of Delaware. The Delaware Certificate of Good Standing was issued February 11, 2019. The

¹ Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

Delaware business license was issued March 5, 2019 and is valid from April 1, 2019 through December 31, 2019.

Resident Agent

The Company supplied the contact information for Incorp Services, Inc. located at 919 North Market St, Suite 950, Wilmington, DE 19801.

Compliance with Regional Requirements

The Company agreed to only work with an entity that complies with PJM's requirements and is a certified electric supplier in Delaware.

Financial, Operational, Managerial and Technical Ability

The Company submitted a Balance sheet for the period as of February 28, 2019. The Company also submitted a Profit and Loss statement for the period of February 2018 through February 2019 as indicia of financial capability under Section 2.2.16.2 of the Supplier Rules. Staff has reviewed the Balance Sheet and Profit and Loss Statement. The Company has satisfied the requirements of the Supplier Rules for purposes of brokering electric supply services in the State of Delaware.

United anticipates serving small commercial, large commercial, and industrial customers throughout the State of Delaware. United is currently licensed as an electric broker and power broker in the following in Ohio Illinois, and Massachusetts. The Company is licensed as an electric supplier in Pennsylvania and Washington D.C. Certification is currently pending in the state of Maryland and is licensed as an agent of natural gas in the state of Massachusetts.

The Application included a summary of experience and qualifications for its officers. Robert Michael Scott II is the President of United and has held this position since October 2011. Mr. Scott possesses ten years of managerial experience as well as experience in the energy industry. Justin R. Bishop is the Executive Vice President and Chief Operating Officer of United and has held this position since December 2011. Mr. Bishop has nineteen years of managerial experience. He also has fifteen years of experience in the energy industry.

Surety Bond

The Company did not post a surety bond because there are no service agreements between the Company and any Delaware Electric Distribution Company. He has ten years of managerial experience and experience in the energy industry.

Verification of Application

The Application and subsequent filings to the Application contained a signed sworn verification of application with the signature of Justin Bishop, the Chief Operating Officer.

Consent to Jurisdiction

The Company consents to the jurisdiction of the Delaware courts.

Contracts

The Company has not submitted copies of customer contracts because it will operate as a broker. The Company is not serving residential customers. United has submitted its marketing plans and strategy for Delaware commercial customers.

Statement of Criminal Activity

The Applicant stated that it has not been charged or convicted of any criminal activity nor have any of its principals or corporation offices. An internet review of the Company and its principals did not return any incidents of criminal activity.

Legal Review

Staff submitted this Memo for review by the Attorney on April 18, 2019.

Staff Recommendation

Based on Staff's review and analysis of the Application, the Company has satisfied the requirements of the Act and the Supplier Rules. The completed Application supports the Company's request for certification. Staff's review and analysis of the Application demonstrates substantial evidence of capability to render service based on the Company's financial, operational, managerial and technical abilities. Therefore, Staff recommends the Commission approve the Application.